UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,756	03/03/2004	Laure Seguin	249572US2	2905

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EXAMINER
HO, HUY C

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
05/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

Advisory Action *Before the Filing of an Appeal Brief*	Application No. *10/790,756*	Applicant(s) SEGUIN, LAURE	
	Examiner HUY C. HO	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>09 April 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-12*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: The argued features, i.e., Method for channel allocation in an ad-hoc radio communication system comprising devices having an equivalent communication architecture, the devices being gathered in several piconets, the devices of a same piconet being able to directly communicate with one another, a piconet coordinator (PNC) being defined among the devices forming each piconet, the radio communication between the devices being based on Code Division Multiple Access (CDMA), where each new device scans its radio environment looking for at least one used subset of CDMA codes (Ci) which is associated with an existing piconet, making the new device a piconet coordinator (PNC) of a new piconet and selecting a subset of CDMA codes (Ci) for use in the new piconet if no used subset or subsets of CDMA codes (Ci) are found by the scanning, or joining the new device into an existing piconet among a set of available piconets found by the scanning to be using an existing subset of CDMA codes (Ci), and using said existing subset of CDMA codes (Ci) for the next communications between the new device and the other devices of the existing piconet that is joined, read upon Heberling and in view of Johansson as follows.
        Heberling discusses method and system for providing channel quality determination in an ultrawide bandwidth local network, where Heberling particularly discloses a wireless personal area network WPAN, or piconet network or plurality of piconets (see section [66]) that includes non-coordinator devices and a coordinator device which serves to coordinate the operation of the piconet, the coordinator device sends a beacon signal through out the network to all non-coordinator devices, determines channel quality, informs non-coordinator devices of chosen channels, where the channels are defined in sets or subsets of CDMA codes (see sections [54]-[60], [73]). Heberling discusses about new nodes joining the piconet (see section [22]), by making requests to the coordinator device, thus Heberling discloses Method for channel allocation in an ad-hoc radio communication system comprising devices having an equivalent communication architecture, the devices being gathered in several piconets, the devices of a same piconet being able to directly communicate with one another, a piconet coordinator (PNC) being defined among the devices forming each piconet, the radio communication between the devices being based on Code Division Multiple Access (CDMA), where each new device scans its radio environment looking for at least one used subset of CDMA codes (Ci) which is associated with an existing piconet, selecting a subset of CDMA codes (Ci) for use in the new piconet if no used subset or subsets of CDMA codes (Ci) are found by the scanning, or joining the new device into an existing piconet among a set of available piconets found by the scanning to be using an existing subset of CDMA codes (Ci), and using said existing subset of CDMA codes (Ci) for the next communications between the new device and the other devices of the existing piconet that is joined. Heberling does not specifically show making the new device a piconet coordinator (PNC) of a new piconet, but it is very noticeable Heberling discusses process of channel determination where the satisfaction of channels is monitored and determined for communication (see sections [66]-[68]). Johansson discusses efficient scatternet forming method and system, where a new node try to join a network by sending a page message comprising device access code and some other parameters to other nodes for connection, and the paging device can form a new piconet with its role as a new master node (see sections [17]-[18]), thus Johansson discloses making the new device a piconet coordinator (PNC) of a new piconet.
        Since Heberling and Johansson teach ad hoc network and method and system of channel allocation, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teachings of Heberling, and have making the new device a piconet coordinator (PNC) of a new piconet taught by Johansson, to improve the system discussed by Heberling.
        As a result, the argued features were written such that they read upon the cited references. .